

James Madison to Thomas Cooper, December 26, 1826. Transcription: The Writings of James Madison, ed. Gaillard Hunt. New York: G.P. Putnam's Sons, 1900-1910.

TO THOMAS COOPER.¹

¹ From the original kindly loaned by Mrs. Sally Newman, "Hillton," Va.

Montpellier, Dec. 26, 1826.

Dear Sir, . . . Have you ever adverted to the alledged minuteness of the Roman farms, & the impossibility of accounting for their support of a family. All the ancient authors, agricultural & Historical, speak of the ordinary size as not exceeding duo jugera, equal according to the ascertained measure, to about one & a quarter of our acres, & none of the modern writers, I have met with, question the statement. Neither Hume nor Wallace, tho' led to a critical investigation of it, in comparing the populousness of ancient & modern nations, notice the difficulty. Dixon too in his elaborate researches into ancient husbandry, if I do not misrecollect, starts no doubt on the subject. Now it is impossible that a family, say of six persons could procure from such a speck of earth, by any known mode of culture, a supply of food such as then used with the materials for clothing or a surplus from the soil that would purchase it, to say nothing of fuel and the wood necessary for the other wants of the farm. We hear much also of the plough & the oxen on the Roman farms. How were these fed? A yoke would devour more than the whole product.

Cincinnatus himself is reported to have owned but 8 jugera, if I mistake not, one half of which,

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he lost, by a suretyship. Even that aristocratic allowance is not free from the remarks here made. The subject is curious, and involves 3 questions, 1. Whether the size of the farm, tho' never called in question, has been rightly stated? 2. If rightly stated & no extraneous resources existed, how were the families subsisted? 3. If there were extraneous resources what were they? We read of no pastures or forests in common, and their warlike expeditions, tho' in the neighborhood, as it were, and carried on by the farmers themselves, could yield no adequate supplies to solve the problem.

The mail has furnished me with a copy of your Lectures on Civil Government, and on the Constitution of the U. S. I find in them much in which I concur; parts on which I might say non liquet, and others, from which I should dissent; but none, of which interesting views are not presented. What alone I mean to notice, is a passage in which you have been misled by the authorities before you, & by a misunderstanding of the term “national,” used in the early proceedings of the Convention 1787. Both Mr. Yates and Mr. Martin brought to the Convention, predispositions against its object, the one from Maryland, representing the party of Mr. Chase opposed to federal restraints on State Legislation; the other from New York the party unwilling to lose the power over trade, through which the State levied a tribute on the consumption of its neighbours. Both of them left the Convention long before it completed its work, and appear to have reported in angry terms what they had observed with jaundiced eyes. Mr. Martin is said to have recanted at a later day, and Mr. Yates, to have changed his politics & joined the party adverse to that, which sent him to the Convention.

With respect to the term “national” as contradistinguished from the term “federal” it was not meant to express the extent of power, but the mode of its operation which was to be, not like the power of the old confederation operating on States but like that of ordinary government operating on individuals; and the substitution of “United States” for “National,” noted on the journal was not designed to change the meaning of the latter, but to guard against a mistake or misrepresentation of what was intended. The term “national” was

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used in the original propositions offered on the part of the Virginia Deputies, not one of whom attached to it, any other meaning than that here explained. Mr. Randolph himself, the organ of the Deputation on the occasion, was a strenuous advocate for the federal quality of limited & specified powers; and finally refused to sign the Constitution, because its powers were not sufficiently limited and defined.

We feel great pleasure in inferring from your communication, that your health, so severely assailed at Richmond, has been effectually restored. With the best wishes for its continuance, and the addition of all other blessings, I renew to you the expression of my great esteem & friendly regards.